

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Chief Financial Officer**

Natwar M. Gandhi  
Chief Financial Officer



**MEMORANDUM**

**TO:** The Honorable Linda W. Cropp  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer

**DATE:** June 25, 2001

**SUBJECT:** Fiscal Impact Statement: “Mental Health Establishment Amendment Act of 2001”

**REFERENCE:** Draft Legislation – No Bill Number Available ([B 14-136](#))

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**Conclusion**

Funds are sufficient in the FY 2002 through FY 2005 budget and financial plan because no additional financial resources or staff will be required to implement the components of the proposed legislation.

**Background**

The proposed legislation amends the Mental Health Establishment Act for the purpose of adding consumer protections for persons receiving mental health services from the District of Columbia.

The proposed legislation contains components that address Department of Mental Health (DMH) operations in 9 essential areas. These are rights for consumers to:

- 1) Have a treatment plan and for consumers and families to be involved in treatment planning;
- 2) Have a durable power of attorney and to give advance instructions for mental health treatment;
- 3) Consent to treatment except in emergencies;
- 4) Be protected from treatment administered against their will except in emergencies;

- 5) Be free from seclusion and restraint except in an emergency, to only be restrained or secluded after all lesser restrictive interventions have been tried, and to only be restrained by staff who are trained and with proper credentials to use this intervention;
- 6) Be informed of their rights to access information and have their records treated confidentiality (and in accordance with new health care regulations);
- 7) Have complaints and grievances resolved in a timely and binding manner;
- 8) Participate in evaluating the mental health delivery system; and
- 9) Be presumed legally competent retaining all civil rights unless otherwise limited by court.

The proposed legislation has components that address consent of emancipated youth to treatment consistent with the rights of emancipated youth. It also provides clear language concerning the range of rights. This includes the right to:

- 1) Have free communication, access to mail and phone calls;
- 2) Wear their own clothes;
- 3) Have storage space;
- 4) Have writing materials, stamps;
- 5) Engage in their own religious practices;
- 6) Exercise and freedom to go outdoors;
- 7) Have social interaction;
- 8) Be treated with respect and dignity; and
- 9) Be free from harm, exploitation and abuse.

The proposed legislation contains clear language stating that consumers shall have assistance in assuring their rights are met.

Provisions of the proposed legislation require that consumers and families be provided information regarding these rights, both in writing and verbally at the time they enter services or upon their request. At their request, information regarding these rights will be translated into their own language. The proposed legislation requires DMH staff be properly oriented and trained to carry out their duties and adequately provide information to consumers and their families.

### **Financial Plan Impact**

Funds are sufficient in DMH's current budget and financial plan to implement the provisions of the proposed legislation. DMH has examined the provisions of the proposed legislation and has planned to incorporate all required components into its mission and operations. DMH has determined that all additional costs required by the proposed legislation will be absorbed by existing appropriations.